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U.S. DISTRICT COURT E.D.N.Y.

★ OCT 07 2016 ★

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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STANISLAW PEST,

16-cv-3785 (DRH) (SIL)

LONG ISLAND OFFICE

*Plaintiff,*

-against-

*S* ~~PROPOSED SCHEDULING ORDER~~

EXPRESS CONTRACTING CORP. OF  
GREAT NECK, EXPRESS KITCHEN  
AND BATH CORP. OF GREAT NECK  
d/b/a ELITE KITCHEN AND BATH,  
YEHESKEL SHARBANI and  
DAVID SHARBANI,

*Defendants.*

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STEVEN I. LOCKE, U.S.M.J.:

Pursuant to Fed.R.Civ.P. Rule 26(f), the Court's Order dated September 16, 2016, and the parties' proposed discovery plan, it is hereby ORDERED as follows:

1. The subjects on which discovery may be needed: Discovery may be needed on the following subjects: whether Defendants qualify as joint employers; the dates and times Plaintiff worked and whether Defendants suffered or permitted such work; whether Defendants constitute an enterprise under 29 U.S.C. § 203(r); whether individual liability is appropriate; whether equitable tolling is appropriate; whether Defendant(s) made unauthorized deductions from Plaintiff's wages; Defendants' alleged violations of applicable wage and hour laws; whether Defendants' violations, if any, were willful; whether Defendants' violations, if any, were the result of a good faith misunderstanding; the conditions of Plaintiff's employment; Defendants' compensation of Plaintiff; the extent to which Plaintiff was damaged by Defendants' alleged violations.

2. When discovery should be completed: Fact discovery is to be completed by June 30, 2017. Expert reports are to be served by July 30, 2017. Expert depositions are to be completed by September 15, 2017.

3. Whether discovery should be conducted in phases or be limited to or focused on particular issues: Initial document requests are due by October 30, 2016. Interrogatories are due by December 30, 2016. Contention interrogatories are due May 1, 2017. Requests for Admissions are due June 30, 2017. Party depositions shall be completed by May 30, 2017. Non-party depositions shall be completed by June 30, 2017.

4. Any issues about disclosure, discovery, or preservation of electronically stored information, including the form or forms in which it should be produced: Parties possessing electronically stored information (ESI) shall retain an outside ESI coordinator to facilitate the collection and exchange of discoverable ESI. The parties shall allow and encourage their respective ESI coordinators to directly communicate verbally and by email with one another with respect to ESI-related issues in the case. The parties agree that service of any pleadings and papers on each other in this action via email shall be deemed good and sufficient service.

5. Other issues: By October 30, 2016 the parties shall submit a proposed Confidentiality Order governing discovery of confidential information in this case.

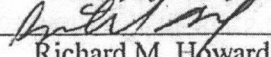
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*Attorneys for Defendants*

By   
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SO ORDERED:

  
/s/ Steven I. Locke, U.S.M.J.